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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,775	09/27/2001	Danny D. Lowe	01-313-US-D	3431
7590 08/12/2004		EXAMINER		
Cheryl L. Gastineau			LEE, JOHN J	
REED SMITH I	LLP		ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15230			2684	N
			DATE MAILED: 08/12/2004	,

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Og/665,775			/.
Examinar		Application No.	Applicant(s)
JOHN JLEE 2684	a	09/965,775	LOWE ET AL.
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be available under the provisions of 3 CFR 1.138(a). In one went, however, may a reply be timely filled after SIX (b) MONTH'S from the malling date of this communication. Extension of time may be available under the provisions of 3 CFR 1.138(a). In one went, however, may a reply be timely filled after SIX (b) MONTH'S from the malling date of this communication. Fallula to reply within the set or extended period for reply with, by statute, cause the application to become ABANDONED (38 U.S.C. § 133). Along type date of this communication, even if simely field, may reduce any replication to the second period from deplatment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filled on 27 September 2001. 2a) □ This action is FINAL. 2b) □ This action is finance. 1) □ Responsive to communication for allowance except to formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 59-65 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to by the Examiner. 10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 11□ □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ □ Certified copies of the priority documents have been received in this National Stage application from the International Bure	Office Action Summary	Examiner	Art Unit
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)			
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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/11/2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

The Applicant is required to submit the PTO Form 1449.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35
 U.S.C. 102 that form the basis for the rejections under this section made in this
 Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 59 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Testani et al. (US patent number 5,852,506).

Regarding **claim 59**, Testani discloses that a transmitter (Fig. 1 and abstract). Testani teaches that means for transmitting data to at least one of a plurality of remote receivers (24, 26, 30, 36 in Fig. 1) over a particular transmission channel (Fig. 12, column 1, lines 57 – column 2, lines 45, and abstract, where teaches the transmitter transmits commands to the receiver that the allow the receiver to lock onto a particular channel). Testani teaches that means for controllably disabling at least one control on the one remote receiver (24, 26,

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30, 36 in Fig. 1) (a listener only necessary to allow the user to move, far enough out of the range of Zone 1 to allow it to receive only on channel 1 see Fig. 12) so that the particular transmission channel cannot be switched by a user of the one remote receiver (Fig. 1, 12, 14, column 1, lines 57 - column 2, lines 45, and column 15, lines 9 - 65, where teaches once selected the particular channel, the channel is locked and pulse width changes thereafter will not change it).

Regarding **claim 60**, Testani discloses that the data originates from at least one of a plurality of different input sources selected from the group consisting of TV, cable, VCR, DVD, satellite broadcast, telephone, **or** database (column 1, lines 26 – 54 and Fig. 1).

Regarding **claim 61**, Testani discloses that means for reactivating any disabled control on the one remote receiver (Fig. 1, 12, 14, column 1, lines 57 – column 2, lines 45, and column 15, lines 9 – column 16, lines 61).

Regarding **claim 62**, Testani discloses that means for detecting a presence of a user in proximity to said transmitter (abstract, Fig. 1, 12, and column 5, lines 11 – column 6, lines 8).

Regarding claim 63, Testani discloses that means for tuning the one remote receiver to the particular channel based on a momentary connection between the receiver and the transmitter (Fig. 1, 5, 12, abstract, and column 6, lines 20-49).

Regarding **claim 64**, Testani discloses that means for tuning the one remote receiver to the particular channel based on a control signal exchanged

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between the receiver and the transmitter (Fig. 1, 14 and column 18, lines 27 – column 19, lines 52).

Regarding **claim 65**, Testani discloses that a sensor and wherein a mode of operation of sensor is chosen from the group consisting of ultrasound, motion, IR, sound, light, applied manual pressure, heat, and air pressure (Fig. 1, 13, 16, column 1, lines 57 - column 2, lines 45, and column 17, lines 34 - 67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koenck et al. (US Patent number 6,006,100) discloses Multi-Level, Hierarchical Radio-Frequency Communication System.

Testani et al. (US Patent number 6,141,357) discloses Controlling Mobile Receivers.

Koenck et al. (US Patent number 6,749,122) discloses Multi-Level, Hierarchical Radio-Frequency Communication System.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-4700**.

J.L July 29, 2004

John J Lee

NICK CORSARU PATENT EXAMINER